

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

MAR 27 2008

JOHN F. CORCORAN, CLERK
BY: H McDonald
DEPUTY CLERK

United States of America)

v.)

David Kirklyn Beneby)

Case No: 4:05CR00002-005

USM No: 11307-084

Date of Previous Judgment: January 13, 2006

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 90 months is reduced to 73 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 87 to 108 months

Amended Guideline Range: 70 to 87 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

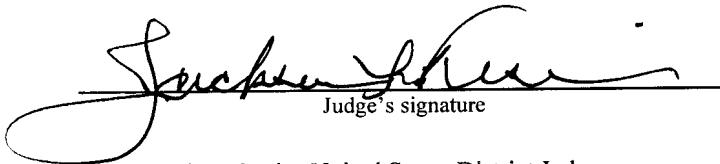
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 1/13/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-27-08

Effective Date: 3/3/08 4-7-08
(if different from order date)


Judge's signature

Jackson Kiser, Senior United States District Judge
Printed name and title